

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD THOMAS KENNEDY	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-1325
	:	
v.	:	(JUDGE MANNION)
	:	
BOROUGH OF MINERSVILLE, et al.	:	
	:	
Defendants	:	
	:	

ORDER

Presently before the court is the report and recommendation (“Report”) of Magistrate Judge William I. Arbuckle. ([Doc. 12](#)). Neither party has filed objections to the Report. When no objections are made to a Report, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern. Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); [M.D.Pa. Local Rule 72.3](#).

On January 12, 2019, Kennedy filed a motion to dismiss without prejudice. (Doc. 11). Then, on January 22, 2019, Judge Arbuckle entered his Report, which recommends that Kennedy's motion be granted and that this case be dismissed without prejudice. Under Federal Rule of Civil Procedure 41, a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or motion for summary judgment. Fed.R.Civ.P. 41(a)(1)(A)(i). In light of Kennedy's *pro se* status and his desire to dismiss this case, the court construes his motion to dismiss as a notice of dismissal. (Doc. 11, at 1).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) Judge Arbuckle's Report (Doc. 12) is **ADOPTED IN ITS ENTIRETY**;
- (2) Kennedy' motion to dismiss (Doc. 11) is construed as a notice of dismissal under Fed.R.Civ.P. 41;
- (3) This case is **DISMISSED WITHOUT PREJUDICE**; and
- (4) The Clerk of Court is directed to **CLOSE** this case.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: February 13, 2019

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